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REMARKS

Claims 1-28 are pending in the present Application. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 5-10, 14, 15, 17, 18, 21 and 23-36 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,644,086 to Voges et al. (Voges). Applicants respectfully traverse this rejection.

In making the rejection the Examiner has asserted that Voges teaching with regard to the inclusion of inert additives, such as graphite, reads on the instantly claimed pore former. In making the rejection, the Examiner has stated, "The physical addition of the graphite additive would cause pores in the catalyst system." (November 2004 office action, page 4) Applicants vigorously disagree with this assertion and fail to understand how the mere physical addition of graphite could lead to the formation of pores. In paragraph 16 of the specification a pore former is described as a substance capable of aiding the formation of pores in the catalyst. "Under the calcination condition described herein the pore former decomposes or burn off leaving behind pores in the catalyst." Applicants fail to understand how graphite, which has a boiling point of 3930°C, could be employed as a pore former.

Applicants respectfully note that, as stated in the MPEP 2144.04, "It is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." Applicants respectfully request, per MPEP 2144.04, documentary evidence to support the Examiner's assertion that graphite may be used as a pore former under the calcination conditions described in the instantly pending specification.

Furthermore, the Examiner has rejected Claims 23-26 as anticipated. Claim 23 requires the presence of pores having diameters of 100 to 400 Angstroms. Voges makes absolutely no mention of pore size and thus cannot be said to disclose this element of the claims.

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To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987). Applicants respectfully assert that Voges does not teach the employment of a pore former in a catalyst precursor system. As a result Voges cannot anticipate the rejected claims.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2-4 and 11 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Voges. Applicants respectfully traverse this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). As described above Applicants assert that Voges does not teach all of the claimed elements and thus the rejected claims are non-obvious.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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